United Nations S/PV.4559

Security Council

Fifty-seventh year

Provisional

4559th meeting

Wednesday, 26 June 2002, 10.30 a.m.
New York

President:	Mr. Wehbe	(Syrian Arab Republic)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	China	Mr. Zhang Yishan
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Corr
	Mauritius	Mr. Gokool
	Mexico	Ms. Lajous
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Cunningham

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999).

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02-44465 (E)

The meeting was called to order at 11.15 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

The President (*spoke in Arabic*): I should like to inform the Council that I have received letters from the representatives of Spain and the Federal Republic of Yugoslavia, in which they request to be invited to participate in the discussion on the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Šahović (Yugoslavia) took a seat at the Council table; Mrs. Menéndez (Spain) took the seat reserved for her at the side of the Council Chamber.

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Council will hear a briefing by Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations. I now give him the floor.

Mr. Guéhenno: I am pleased to provide an update of developments in Kosovo since I briefed the members of the Council on 16 and 24 May.

First, I would like to speak of the establishment of inclusive provisional institutions of self-government. A welcome development since the Security Council was last briefed has been the completion of the Kosovo Government, following the nomination at the end of May by the Kosovo Serb Return Coalition of Kosovo Serb representatives for the positions of Minister for Agriculture, Forestry and Rural Development and Inter-ministerial Coordinator for Returns in the Office of the Prime Minister.

The assumption of office by the Kosovo Serb representatives coincided with the Government's first 100 days in office. On 12 June, all members of the Government swore an oath of office, pledging their commitment to work for the benefit of all communities in Kosovo. The oath-taking ceremony marked the third anniversary of the arrival of the international community in Kosovo.

The United Nations Interim Administration Mission in Kosovo (UNMIK) has continued to work with the provisional institutions of self-government to ensure that those bodies respect the division between reserved and transferred responsibilities. As external relations and foreign policy are powers reserved to the Special Representative of the Secretary-General, Mr. Steiner has issued guidelines for agreements of the provisional institutions of self-government with Governments of States and with international organizations. The guidelines were provided to the Kosovo Government in order to ensure that actions by the Kosovo governmental authorities are in compliance with the basic laws governing Kosovo and duly take into account the reserved responsibilities of the Special Representative of the Secretary-General. The liaison offices of States and offices of international organizations in Kosovo were also requested to ensure that their actions vis-à-vis the Kosovo provisional institutions were in accord with these guidelines.

At the same time, UNMIK and the provisional institutions of self-government have enhanced their consultations during the reporting period. The Economic and Fiscal Council, under the Special Representative of the Secretary-General, has been constituted and already plays an important role in coordinating policy between UNMIK and the provisional institutions on economic and fiscal issues.

The Council has held its first two meetings, discussing such topics as the Kosovo Trust Agency, the

Kosovo Pension Savings Trust and draft legislation on public financial management and accountability.

I would like to say a few words about municipal elections. Preparations continued for the municipal elections scheduled to take place on 26 October. On 10 June, Mr. Steiner promulgated regulation 2002/11 on the municipal elections in Kosovo, which defined a four-year mandate for Municipal Assembly members. UNMIK has focused efforts on ensuring the participation of all communities in the upcoming elections. The prospects for multi-ethnic participation are encouraging, as UNMIK has so far received a high number of applications from minority community political parties seeking certification for the municipal elections. By 14 June, the mid-point in the certification process, more than 40 per cent of all applications received had been submitted by minority communities. It should be noted that in the 2000 municipal elections, only 26 per cent of those running for election were from minority communities.

The Mission has taken further steps to strengthen the rule of law in Kosovo. On 18 June, UNMIK police arrested four former members of the Kosovo Liberation Army (KLA). The following day, a further two former KLA members handed themselves in to UNMIK police, and all six were brought before an international judge. Three of the six are active members of the Kosovo Protection Corps, and one is currently suspended from it. The six men are charged with unlawful detention and causing serious bodily injury in relation to an incident in June 1999 during which they are alleged to have beaten and tortured five other former KLA members as a punishment for defection to a rival command, and in relation to a noted incident in June 2000, in which they are alleged to have broken into a house and participated in an exchange of gunfire with persons in the house. On 20 June 2002, an international judge opened an investigation into all six suspects in connection with these charges, and ordered that they be detained for 30 days. UNMIK has also convened a panel of international judges to hear any appeal which the suspects might make against the judge's orders.

I must point out that, contrary to allegations from the head of the Kosovo Protection Corps that UNMIK police used unnecessary force in the arrests, internal investigations suggest that the operation was carried out in a professional manner with a proportionate use of force. In contrast to the widespread protests that were triggered by the arrest on war crimes charges of three former KLA members at the end of January, these recent arrests have thus far generated only a localized public reaction. Hundreds of Kosovo Albanians have demonstrated over the past few days in Djakovica and Decani. In one case, KFOR anti-riot and quick reaction units were deployed to calm the situation down. In another, KFOR had to fire warning shots to disperse an aggressive crowd. Comments received by Mr. Steiner from the audience during a local television talk show seemed to indicate general support for UNMIK's recent actions aimed at upholding the rule of law.

In the same vein, a number of successful anti-smuggling operations have taken place during the reporting period. UNMIK police and the Kosovo Police Service have seized substantial quantities of gasoline, alcohol and cigarettes at border points. An illegal cigarette factory in Kosovo was raided, yielding more than 20 tons of tobacco and counterfeit cigarette cartons. The Gate 1 checkpoint used by the UNMIK customs, UNMIK police and KFOR, which is located at the northernmost point of Kosovo, was moved closer to the administrative boundary in order to eliminate the use by illegal traders of the no-man's-land along the boundary.

Within the framework of the High-Ranking Working Group, on 31 May UNMIK signed a Protocol on Police Cooperation with the Governments of the Federal Republic of Yugoslavia and Serbia as part of its strategy to combat organized crime and terrorism. The Protocol will facilitate information exchange between the UNMIK police force and its Serbian and Yugoslav counterparts and will provide for enhanced cooperation in relation to the policing of returns, movement across administrative boundaries and the identification of missing persons. UNMIK has also initiated negotiations with the relevant authorities in Albania and Montenegro in order to further develop regional police and justice cooperation. During the South-East European Cooperation Process meeting in Belgrade on 19 June, Mr. Steiner proposed the establishment of enhanced regional cooperation mechanisms to fight organized crime and terrorism in the region. His proposals were well received by the participants.

I would now like to turn to the very important issue of sustainable return. Spontaneous returns have occurred in various locations in Kosovo, bringing the total number of returns to 874 in the first five months

of 2002, 43 per cent of them being Kosovo Serb returns.

At the end of May, the Senior Adviser on Returns joined the Office of the Special Representative of the Secretary-General following his nomination which I mentioned earlier — by the Kosovo Serb Return Coalition. He resigned his seat in the Kosovo Assembly to assume that position. Working within UNMIK and the Government, respectively, both the Senior Adviser and the Inter-Ministerial Coordinator for Returns will seek to assist in fostering returns and in stabilizing the minority communities in Kosovo, thus stemming their outflow. It is also hoped that their presence in UNMIK and in the Government will strengthen the credibility of the returns programme in the eyes of internally displaced persons and refugees.

Following the release of the concept paper on the right to sustainable returns by Mr. Steiner in late May, UNMIK has increased grass-roots efforts to support minority returns. Municipal working groups on return have been established in 24 of 30 municipalities, marking an improvement in the awareness of the returns issue on the part of local authorities. UNMIK has also worked with the Federal Republic of Yugoslavia/Serbia Coordination Centre and other actors to reach internally displaced persons in Serbia proper through public meetings and Internet-based information systems. The use of the media for outreach to internally displaced persons was also facilitated by agreements reached during a two-day conference on bridging the information gap, which took place in Pristina on 28 and 29 May, with media representatives from Kosovo, Montenegro, Serbia and other parts of the region.

(*spoke in French*)

I would now like to deal with issues relating to freedom of movement. Another outcome of the meeting of the High-Level Working Group on 31 May was the conclusion of a technical agreement between UNMIK and the Serbian rail network for the extension of the network between Belgrade and Kosovo. The first rail link between Lesac — the first station that is encountered upon entering Kosovo from the north — and Belgrade will open on 27 June. The practical implementation of this agreement could improve the freedom of movement of Serbs in Kosovo, as well as help in Kosovo's long-term economic development.

Freedom of movement in general has been strengthened as a result of decisions taken by neighbouring States. The Albanian Government took a unilateral decision to ease the border controls on Kosovo residents, which means that they can now go overland to Albania with an UNMIK identity card instead of a national passport, or with travel papers issued by UNMIK. It is also a matter of note that the Government of the former Yugoslav Republic of Macedonia decided to abolish the visa requirement for those holding travel documents issued by UNMIK.

I would also like to make some observations about the missing. The Special Representative, Mr. Steiner, has promoted continued dialogue between associations of the missing in Kosovo and in Serbia proper, which is considered essential for further progress in this very sensitive area. Therefore on 22 June Mr. Steiner organized a meeting with representatives of the families of the missing Kosovo Serbs and Kosovo Albanians. Despite the obvious difficulty of such a meeting, both sides agreed to cooperate, to help each other. UNMIK will continue to hold such inter-ethnic meetings on this issue, which profoundly touches both communities.

UNMIK has also begun preparations to exhume victims' gravesites in Kosovo in order to attempt to identify the remains. Such preparations are also under way in Serbia proper. The number of identifications in Kosovo in the first months of 2002 has already exceeded the number made in all of 2001, and this was the result of enhanced cooperation between the International Committee of the Red Cross and the International Committee for Missing Persons, as well as of a restructuring of UNMIK operations in this area.

I have a few comments on relaunching Kosovo's economy. The regulations establishing the Kosovo Trust Agency and the associate special chamber of the Supreme Court were signed into law on 13 June. The new Agency will be able to sell commercial assets currently held by collectively owned enterprises to new owners through transparent procedures and to hold the proceeds in trust until creditor claims are settled through a judicial process. The Kosovo Trust Agency will also assume control over some State-owned enterprises and public-utility service providers.

In the economic sphere we also see that there has been significant improvement in the range of banking services available in Kosovo, including in minority

areas. On 15 June the first bank branch to be located wholly within a Kosovo Serb area was opened in Zvecan, in the Mitrovica region. This branch of the American Bank of Kosovo will operate predominantly in euros, although it will also have facilities dealing with Yugoslav dinars. The Microenterprise Bank plans to open automatic cash dispensers in some minority enclaves.

With regard to the situation in Mitrovica, UNMIK remains fully committed to implementing a reunification policy for the town. The Special Representative made this clear in public statements during his recent visits to both the northern and southern parts of Mitrovica. UNMIK and KFOR have continued to implement a series of initiatives to meet the needs of Kosovo Serbs for security and services which a unified city should provide, without having parallel structures. Recent UNMIK measures have included doubling the number of UNMIK police in northern Mitrovica, supported by an increase in the KFOR presence, launching a public campaign promoting Serb participation in the Kosovo Police Service, and discussions with the Kosovo Albanian leaders to ensure their support.

President Kostunica and Foreign Minister Svilanovic have expressed to Mr. Steiner their support for a policy of zero tolerance for crime in all of Kosovo, including northern Mitrovica.

In conclusion, I would like to emphasize that the recent arrest of suspects in cases pending from June 1999 and June 2000 illustrate UNMIK's zero tolerance for crime and are a clear sign that no one is above the law. Crime in Kosovo hurts not only the victims directly but Kosovo as a whole. Continued support for UNMIK's fight against crime through criminal investigation leading to arrests, building the capacity of the local police and judiciary, and improved gathering of information about crimes and better cooperation by the people in bringing to the police useful information on crimes — all this will benefit the people in Kosovo.

I also wish to emphasize in this connection that crime knows no boundaries and that regional cooperation plays an important role in the fight against crime. Only by working together in a regional context to promote cooperation, coordination and dialogue will law and order be enhanced in Kosovo. Respect for the rule of law is part of the process of normalization, and it is this process that will lead Kosovo towards becoming a fair and just society embracing all communities in its political, institutional, economic and social life.

The President *(spoke in Arabic)*: I thank Mr. Guéhenno for his comprehensive briefing.

Mr. Lavrov (Russian Federation) *(spoke in Russian)*: We are grateful to Under-Secretary-General Jean-Marie Guéhenno for his clear and comprehensive briefing.

Two months ago, in April, there was a comprehensive consideration here of the situation in Kosovo, and as we see it, what we have just heard shows that over these past two months some practical steps have been implemented which were designed to further compliance with the goals of resolution 1244 (1999). We point out in particular the reaffirmation of candidacies of the Serbian Return Coalition to posts in the Kosovo government. We should also encourage the efforts of UNMIK and the Kosovo forces in strengthening law and order and rendering justice, including the investigation of crimes committed by the fighters of the so-called Kosovo Liberation Army, which was just mentioned by Mr. Guéhenno. As I understand it, at least one of those arrested is well known, Mr. Haradinaj. More than a year ago in this very Chamber, my delegation distributed information showing that KFOR already had facts in its possession that confirmed that this individual have been directly involved in crimes. A decision could therefore had been taken far earlier; but better late than never. We repeat: encourage these efforts by the United Nations and UNMIK.

We would also like to highlight the dedication to peace and religious tolerance demonstrated by the Head of the Mission, Mr. Steiner, and by Prime Minister Rexhepi by taking part in the Orthodox Easter service celebrated in the Peć Patriarchate. This is in fact what is so sorely lacking in the current relations between the representatives of the various ethnic groups in Kosovo.

We would also like to note the progress made in determining the fate of missing persons. In that regard, we encourage all communities to cooperate with UNMIK.

We support efforts by Belgrade and UNMIK to find a solution to the problems in Mitrovica. It seems that those efforts are beginning to yield their first

fruits. In our opinion, the idea proposed by Serbian Deputy Prime Minister Čović to decentralize authority is serious evidence that Belgrade is truly seeking a constructive solution to this problem. I reaffirm in this regard that there is no violent solution to the problem of Mitrovica is possible.

However, while pointing out the positive steps that have been taken, we must note that the basic problems of a settlement to the Kosovo question have hardly been solved — namely, the ongoing problem of ensuring safety for all the inhabitants of the province and the establishment of an atmosphere that truly allows for significant minority returns. That also includes continuing the fight against organized crime and extremism on the basis of decisions taken by the Special Representative. Of course, we still also face urgent social and economic problems.

All of this falls within the purview of the United Nations Interim Administration Mission in Kosovo, the Security Council and the Special Representative. But we must truly make further efforts to achieve the relevant goals. The benchmarks set out two months ago at our meeting with Mr. Michael Steiner have in fact been recognized as being tasks needed to ensure conditions in the province conducive to a normal life for all. I would once again like to emphasize that those benchmarks can in no way be regarded as any sort of road map to independence for Kosovo. In fact, at our meeting in April we achieved a clear understanding in that regard with Mr. Steiner.

We support efforts to gain positive experiences in self-governance and to establish sound and solid relations between Belgrade and Pristina. That policy should be clearly reflected in the practical activities of the United Nations Mission in Kosovo. We also call on the Special Representative and all his colleagues to work vigorously to prevent any attempt to use the benchmarks to put forth slogans on independence, as well as to prevent any provocative activities similar to the well known decisions adopted by the Kosovo Assembly in May of this year — decisions which of course have no legal force whatever. It is also important to continue monitoring the activities of the Kosovo Protection Corps.

Another matter that also requires a final solution is the demarcation of the borders, pursuant to the Agreement of 23 February 2001 between the Federal Republic of Yugoslavia and Macedonia. The leadership of the United Nations Mission in Kosovo should realize the unquestioned legitimacy of the demarcation process, and of the border itself, and that the process has the support of the Security Council. We have only the technical aspects to settle with regard to implementing that bilateral Agreement between two sovereign States, an Agreement that has received the full support of the Security Council. Of course, those technical aspects should be worked out between the authorities of Yugoslavia and Macedonia. As far as the Kosovo portion of the border is conerned, it should be dealt with by the United Nations Mission in Kosovo. We believe Mr. Steiner should now accelerate the commencement of work on the demarcation of the border between Yugoslavia and Macedonia and the Kosovo part of that border.

We would also like to recall that, in our meeting last April (see S/PV.4518), both Mr. Michael Steiner and Nebojša Čović put forth the idea that the Security Council should once again send a mission to Kosovo. In considering that idea, we should of course bear in mind the optimal time for such a mission. A Council mission could help give Council members a closer and more complete picture of the real situation in the province at this stage, as well as of the dynamics of its development.

Mr. Diallo (Guinea) (*spoke in French*): The periodic consideration of the situation in Kosovo illustrates the Security Council's commitment to finding a solution to a question that remains a matter of concern. Mr. Jean-Marie Guéhenno's description of recent developments in the situation in the field contained very useful information, for which we thank him.

The Council's public meeting on 24 April 2002 (see S/PV.4518) enabled us to assess the progress made and the challenges that must be overcome. As we said earlier, the success of the peace process in Kosovo will depend on bearing in mind the interests of all elements and groups in the province as well as the objective of ensuring regional stability. In that regard, we have taken note of the comments made by the Government to the effect that it intends to serve the interests of all Kosovars.

My delegation feels that the appointment of Mr. Nenad Radosavljevic to the United Nations Interim Administration Mission in Kosovo, as adviser on matters related to repatriation and the integration of

ethnic minorities, gives cause for hope that the refugee question will be resolved. My delegation therefore welcomes the outcome of the meeting held in Pristina on 28 May 2002 between Mr. Steiner and Mr. Čović on the questions of Mitrovica and the return of refugees. We encourage pursuit of those contacts in order to resolve pending problems.

Moreover, the Kosovo Assembly's challenge of the border Agreement concluded in February by Yugoslav authorities and the authorities of the former Yugoslav Republic of Macedonia has raised serious concern on the part of the international community. My delegation wishes to renew its support for the statements made by the President of the Security Council on 22 and 24 May 2002 and to invite parties to promote dialogue. We take note of Mr. Steiner's commitment to implement regulations pertaining to the executive branch of the provisional institutions of self-government in Kosovo. We hope that regulations issued in that regard will be respected.

We welcome the assumption of office of the first ministerial Cabinet in Kosovo, which also marks the establishment of a real multi-ethnic Government in the province. We hope that this institution will assume its rightful responsibilities in order to build a democratic society respectful of the law and of ethnic differences.

On another front, the organization of municipal elections, to be held next October, merits attention. We welcome the information just provided to us by Mr. Guéhenno regarding the determination of the various ethnic groups to make these elections a success. We encourage this process and we hope that the newly elected officials will make a positive contribution to resolving the various problems within their purview.

I cannot conclude without renewing my delegation's repeated appeals and highlighting the fact, first, that the leaders of Kosovo must work more constructively and cooperate fully with UNMIK and KFOR to ensure respect for equality and the establishment of a multi-ethnic Kosovo in a viable social, economic, political and cultural environment. Secondly, the establishment of a climate of security depends on the establishment of a reconciliation programme based on tolerance and mutual respect, taking into account the interests of all Kosovars. Thirdly, strengthened cooperation among the elected officials of Kosovo, UNMIK and the Belgrade authorities will also signal confidence in the pursuit of activities that are under way.

Mr. Mahbubani (Singapore): Let me begin by thanking Under-Secretary-General Jean-Marie Guéhenno for his usual comprehensive briefing, which has brought us up to date on the situation in Kosovo.

It is no secret that our delegation has from time to time expressed reservations about having regular public meetings on Kosovo, if only because this does not seem to be a practice that applies to all the major peacekeeping operations. We seem to do it for Kosovo and not for the others. Strangely enough, the United Nations Administration Mission in Kosovo (UNMIK) is not even the most expensive peacekeeping operation that we have. I was just looking at a Fifth Committee document that came out just three weeks ago — A/C.5/56/45 — that gives the appropriations for 2002-2003 for peacekeeping operations. The most expensive peacekeeping operation listed there is the United Nations Mission in Sierra Leone, with a budget of $699 million. The second most expensive peacekeeping operation is the United Nations Organization Mission in the Democratic Republic of the Congo, which gets $608 million per year. UNMIK is now number three, with $344 million per year. East Timor has gone down to fourth place. So why are we giving, in a sense, greater public attention to Kosovo?

At the same time, what is paradoxical about the situation in Kosovo is that we have public debates without public scrutiny. We seem to take a snapshot of the situation in Kosovo each time, but we seem to do little evaluation of long-term trends and our directions with regard to Kosovo. That is why I think that members who have heard us speak on Kosovo before have noticed that we always ask the question: What is our destination?

The reason we are very pleased to speak today is that to some extent the answer has finally been provided to us, first, of course, in a Council meeting two months ago, by Mr. Steiner in his statement to the Council. When he talked about the benchmark process, he said:

> "Attaining these benchmarks is an objective in itself. Kosovo can advance towards a fair and just society only when these minimum preconditions are met and when these changes in institutions are sustainable even without an international presence.

> "I offer this to the Council as an exit strategy, which is, in reality, an 'entry strategy' into the European integration process. The benchmarks complement the preconditions that Kosovo needs to meet to qualify for the stabilization and association process." (*S/PV.4518, p. 4*)

The good news is that Mr. Steiner did not just stop at what he said in those two paragraphs. He actually has gone much further and has now published an article in *Focus Kosovo*, which has, fortunately, been circulated to us this morning and which I was reading before the debate began. It is worth quoting what he says in that remarkable document:

> "One of my main responsibilities in implementing resolution 1244 is to design a process to determine Kosovo's future status. We will not be able to get to this stage until Kosovo's society and institutions show that they are ready. Therefore, we must spell out what is required in order to get there. This is why I have devised a series of benchmarks that will identify what needs to be done before we can launch the discussions on status. Kosovo can only advance towards a fair and just society when these minimum preconditions are met. First standards, then status. These standards also mirror those that are required to be considered for integration into Europe. On the one hand, they represent the beginnings of an exit strategy for the international community, but they are also in reality an entry strategy into Europe." (*Focus Kosovo, April 2002, p. 5*)

The thing I found most remarkable is that he goes beyond those general words to spell out an extremely detailed set of benchmarks of a kind that probably I had not seen for any other United Nations operation, touching on areas such as functioning democratic institutions, the rule of law, freedom of movement and reintegration, and even touching on the sensitive subject of the dialogue with Belgrade, where he refers normal relations with Belgrade and eventually with other neighbouring areas.

I do not know whether it is a practice for the Security Council occasionally to send letters of commendation, but I think that Mr. Steiner deserves one for spelling out such detailed benchmarks for us. Of course, I do not want in any way to suggest that other Special Representatives of the Secretary-General do not do equally good work. But Sergio Vieiro de Mello has done good work. But uit is important to commend officials when good work is provided to us.

Equally important, if such an innovation is found to be useful in Kosovo, the question is whether or not we can apply it to other operations also. I say this knowing, of course, that Kosovo has not up to now been one of the most successful files of the Security Council. I think that the prize for this, as we said in the final wrap-up session in December last year has to go to operations like East Timor, Sierra Leone and maybe Bosnia and Herzegovina. But with this development we have an innovation that is actually very helpful and very constructive, and which we hope will be shared with others.

I also want to add there that when Mr. Steiner put forward these benchmarks, he did not put them forward in a mechanical fashion. He actually put them forward within a larger vision that he had for the future.

I shall quote from some remarks he made in his article, which in a sense provide the backdrop for these benchmarks. He quotes the Sufi poet Jelaluddin Rumi. "Some people say," Rumi wrote, "there is no road to the mountain, and no mountain either." Mr. Steiner goes on to say:

> "For me the mountain, whose existence was being questioned by all those who had voted in November's elections, was a peaceful and self-sustaining Kosovo. The road to it was the development of a Government and civic ethos committed to cultural pluralism and the rule of law. Happily, the events of the past three months has proved beyond any reasonable doubt that both the mountain and the road to it do indeed exist.
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> "...
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> "But this mountain also belongs to the range that is Europe. Yes, it is sometimes cut off from the rest of the range by inclement weather so that the other mountains seem all but unreachable. But weather cannot change the fundamentals of geography; all the roads to Kosovo pass through Europe." (*p. 4*)

So, he is also articulating a larger vision for where we should be heading on Kosovo.

I hope in future discussions on the subject, since we are going to meet every month to discuss Kosovo, that we will reflect on both the benchmarks and the vision that Mr. Steiner has given to us and also on how much progress we are making in terms of achieving what he has set up for us.

Mr. Cunningham (United States of America): I thank Under-Secretary-General Guéhenno for his update.

I just want to make a couple of points. The first is to note that there is good news, and that progress is being made, as set out in Mr. Guéhenno's briefing. All the problems are still there, but we are seeing some forward movement along the path that we charted some time ago and that Mr. Steiner has helped put into a framework, as Ambassador Mahbubani just outlined.

The United States supports the continuing rule-of-law efforts of the United Nations Interim Administration Mission in Kosovo (UNMIK) and its zero-tolerance concept. We welcomed the news of last week's arrests, which really mark a positive step in strengthening the rule of law and promoting a safe and secure environment in Kosovo. This, we continue to believe, is an essential foundation for progress.

Another positive development is the arrival of Kosovo last week of Susan Carnduff, who will be the director for the 26 October municipal elections. We wish her and the Organization for Security and Cooperation in Europe (OSCE) Mission in Kosovo success in their efforts over the coming weeks in the run-up to the vote. They have a lot of work ahead of them.

We support the efforts of the OSCE Mission in Kosovo to ensure broad registration and participation, including by Serbs and other minorities, in those elections. This will be a particularly important vote, because the elected municipal officials will serve for four years. In addition, there will not be any minority set-asides. We applaud the provision for appropriate gender representation built into the presentation of party lists.

Finally, I would simply like to express again our support for the work being done by Special Representative Steiner. In particular, we note that his promulgation of the Kosovo Trust Agency regulation enables the important process of privatization in Kosovo to now move forward. We look forward to receiving the Secretary-General's quarterly report in July.

Ms. Lajous (Mexico) (*spoke in Spanish*): I should first like to thank Under-Secretary-General Jean-Marie Guéhenno for his briefing on the situation in Kosovo and on the progress achieved by the United Nations Interim Administration Mission in Kosovo (UNMIK).

My delegation has taken note with satisfaction of the completion of the Cabinet of the provisional institutions of self-government in Kosovo. Its members took office on 12 June. With the formation of this multi-ethnic Government, reflecting the results of last November's elections, a very important step has been taken towards reconciliation in Kosovo. It is significant that upon assuming their functions, the Prime Minister, other ministers and the Inter-Ministerial Coordinator on the return of refugees and displaced persons have committed themselves to work in the interests of all inhabitants of Kosovo, without discrimination.

We also welcome the measures adopted by UNMIK to encourage the return of refugees and displaced persons to their communities of origin in conditions that will genuinely enable those people to be reintegrated. I am referring specifically to the Mission document in which the principle of the right to sustainable return for those people is outlined. I would also refer to the creation in the Kosovo Government of the post of Inter-Ministerial Coordinator on the return of refugees and displaced persons, with ministerial rank. Similarly, we see as a positive sign the appointment of a new Senior Adviser on Returnees in the Office of Returns and Communities of UNMIK, who is to apply the principle of the right of sustainable return. The fact that both of those posts are now occupied by representatives of the Serb minority is a positive fact — a confirmation to that population that it is part of Kosovo.

Whoever holds public office in the future must not forget that the majority ethnic group and the major minority are not the only inhabitants of Kosovo, and that they have not been the only victims of the recent conflict and ethnic reprisals to which the conflict led. There are other minorities. Some of them traditionally have been marginalized, and their rights must be respected irrespective of their degree of presence in the Kosovo Assembly and the provisional institutions of self-government.

Regarding the security situation in Kosovo, my delegation read with interest the monthly United Nations report on the Kosovo Force (KFOR) operations, on the period from 1 to 30 April. We learned from this document that the security situation for that period remained tranquil and stable, with the exception of isolated cases and disturbances that took place in Mitrovica on 7 April. The prevailing situation in Mitrovica is an obstacle to reconciliation and an example of division and daily ethnic tension for the rest of the province, which must be resolved with the political will to put an end to this situation by peaceful means. We call upon UNMIK and the Government to find a solution.

Finally, my delegation places enormous importance on the municipal elections to be held in October this year. It is essential that those elections have the greatest possible number of voters participating, in particular minorities. We have the recent precedent of the November 2001 elections, in which the Serb minority decided to participate, thus showing their confidence in the possibility of a multi-ethnic society. We therefore appeal for this pattern of behaviour to continue. Broad electoral participation will generate confidence among all groups in a State based on the rule of law in Kosovo, which is a prerequisite for democratic multi-ethnic coexistence.

Mr. Tafrov (Bulgaria) (*spoke in French*): I thank you, Mr. President, for organizing today's meeting on Kosovo. The Council is right to deal regularly with the situation in Kosovo, in view of the gravity of the crisis recently. There is a need to closely follow developments in the situation, which — as we understand from Under-Secretary-General Jean-Marie Guéhenno's very concrete and useful briefing — while remaining calm and stable, is nevertheless ambiguous. Unfortunately, stability is still far from being achieved once and for all.

As a country associated with the European Union, Bulgaria fully aligns itself with the statement to be made shortly by the Ambassador of Spain on behalf of the Union. I will limit myself to a few comments in my national capacity.

We welcome the political developments in Kosovo, which are going in the right direction. I am thinking in particular of the appointment of Ministers of Serb origin. But now it seems to us that the time has come for the Kosovar authorities, along with the United Nations Interim Administration Mission in Kosovo (UNMIK), to focus on solving the day-to-day practical problems of all the inhabitants of the province.

Bulgaria hopes that the local elections will take place with respect for the timetable established by the international community. From this standpoint, we feel that the role of the Organization for Security and Cooperation in Europe is crucial. Bulgaria will do its utmost, both within this framework and on a bilateral basis, so that these elections can take place in the best possible circumstances.

We welcome the improved cooperation between UNMIK and the Belgrade authorities. This allows us to find practical and very useful solutions to Kosovo's problems in the framework and spirit of Security Council resolution 1244 (1999). I would like to take this opportunity to commend the activity of the Special Representative of the Secretary-General, Mr. Michael Steiner, especially his actions to foster strict implementation of resolution 1244 (1999). I think we all remember the painful incident when, with the Council's support, he had to declare null and void a decision taken by the Kosovar Assembly that was above and beyond its purview and that created some tension with the neighbouring Republic of Macedonia.

Steps undertaken by UNMIK and KFOR to reduce tensions in the southern part of the province, which borders on the Republic of Macedonia, should also be noted and welcomed. We believe that UNMIK and the Macedonian authorities will continue to find practical solutions to the border problems in order to improve daily life for the local population. Any attempt by local political authorities to use this issue for political purposes is totally unacceptable and counter-productive for the stability of the province and for the region as a whole. From this perspective, it is important that the international community and the Security Council find ways to convince the Kosovo political leaders that respect for resolution 1244 (1999) and the implementation of other constituent documents for Kosovo are matters of crucial importance.

Mr. Guéhenno spoke to us about the efforts of UNMIK and of the Kosovar authorities to combat organized crime and establish the rule of law. We welcome success in this sphere, particularly the priority being given to combating corruption and the trafficking

of human beings. These, in our view, are the major problems in the province.

The other aspect that we deem important and which Mr. Guéhenno discussed in his briefing is the economy. We have to realize that the return of refugees will not be possible until the economic situation is improved. This improvement involves economic reforms and the creation of a trust agency and a trust fund, which are extremely positive developments. I would like to highlight one problem that remains and that is the debt of enterprises to be privatized. In our view, the debt problem of Kosovar enterprises should be settled also by taking into account their obligations to international creditors, or debts entered into before 1999.

In conclusion, I would like to reiterate the position of my delegation and my country that the Security Council should continue to consider regularly the situation in Kosovo, and I would like to express my thanks, Mr. President, for this being done during this month.

The President (*spoke in Arabic*): I thank the representative of Bulgaria for his kind words.

Mr. Valdivieso (Colombia)(*spoke in Spanish*): I would also like to thank Mr. Guéhenno for his briefing. It is important that this public meeting follow through on one of the United Nations' most worthy efforts, specifically that of accompanying a process that depends on the efforts, in this case, being promoted by the Kosovars themselves, in order to achieve, as several speakers have already said, a pluralistic, democratic model that will guarantee multi-ethnic integration. I think we need to say that things are moving forward, amidst a great deal of tension, in a positive direction.

I therefore feel it is important to highlight the activities promoted by Mr. Steiner from Pristina to overcome the crisis of last 23 May, when the Kosovo Assembly declared null and void the border agreements between the Federal Republic of Yugoslavia and Macedonia. We wish to reiterate our support for the decisions taken by Mr. Steiner in declaring those resolutions null and void. While the events of 23 May did not affect the implementation of the provisional constitutional framework, they do represent a political event of major importance. We hope that these episodes, these events, will not have any greater effect on Kosovo's political future.

We believe also that the Kosovo Assembly must focus on activities to promote institution-building. It is also essential for the Kosovo Government to continue to support the United Nations Interim Administration Mission in Kosovo in pursuing the important objective of restoring democracy and social stability.

Among the achievements made in recent months, I would like to highlight the implementation of the provisional constitutional framework for self-government, which established new political institutions and democratic electoral processes. We know that many activities have already been successfully undertaken. However, with regard to the Office of the Inter-Ministerial Coordinator on Returns, we urge the Kosovar community to make a particular commitment to those who are returning to their places of origin. We believe that the return of refugees and their proper reintegration into society will require a special effort. Experience shows that this is not a mechanical process; they must be welcomed and accepted by those in the region to which they are returning — the region that they left specifically because of the conflict.

I would like to comment on efforts to combat organized crime and violence in the region. These are matters of priority if appropriate conditions for coexistence are to be ensured. The agreements drawn up with the police force aimed at achieving greater security in the region and in the border areas — such as the agreement signed on 31 May in Belgrade — are examples of cooperation between the United Nations Interim Administration Mission in Kosovo and Yugoslavia, and I would like once again to highlight them.

Recent events also show that there are significant weaknesses within the Department of Justice with regard to combating organized and inter-ethnic crime. I would like to refer to two matters that appear in the magazine that was distributed to us. The first relates to the need for the United Nations to speed up the appointment of judges and auxiliary personnel, as called for by the head of the UNMIK Department of Justice. Better results will be achieved if justice can be assured as soon as possible. The United Nations must try to introduce a procedure that will speed up the selection process.

Furthermore, there is a need for minorities to be included in the judicial system. This requirement must

be taken into account, and a major effort must be made. Above all, we must seek cooperation. I believe that it is worth insisting on this point. Mechanisms should be established that will allow the Yugoslavian Government to play a greater role. We must hope that Belgrade will cooperate so that such inclusion can be achieved. A number of internal administrative arguments might be put forward that would go against facilitating such cooperation, but only a judicial system that is as representative as possible will ensure greater trust and security and enable positive results to be achieved in the area of justice in this post-conflict phase.

Mr. Tidjani (Cameroon) (*spoke in French*): I, too, would like to thank Mr. Jean-Marie Guéhenno for his briefing, which provided us with a clear sense of the situation in Kosovo, especially with regard to progress achieved since our last meeting. The management of the situation in Kosovo by the international community in general and the United Nations in particular continues to give rise to hope and expectation. We hope to rid this region of the old demons of war, violence and hatred and to ensure peace, security, stability, tolerance and reconciliation. We believe that that is the only way to generate a climate of confidence among the parties and to restore better living conditions and socio-economic growth that benefits all.

We are expectant in hoping that the parties concerned will cooperate fully in the implementation of the measures set forth in order to achieve our common objectives. Such cooperation will be essential and will require from all the parties a conciliatory and responsible attitude at all times, taking into account the requirements of peace and security in the region, as well as of those resulting from geography and common history.

The 24 April briefing on the situation in Kosovo by Mr. Steiner, the Special Representative of the Secretary-General, convinced us that we were on the right path. We even thought that new measures could be taken with a view to speeding up the process of a return to normal living conditions in the region. Indeed, members may recall that Mr. Steiner, after having described the progress achieved within the framework of the new phase of United Nations operations — the parliamentary and presidential elections, the establishment of a multi-ethnic Government, the initial stages of a civil service, the improved functioning of the police force and judicial system — said that he believed that the time had come to gradually transfer authority within Kosovo to the provisional institutions, without the future political status of the province being affected. He then identified benchmarks relating specifically to the existence of representative, effective and functional institutions, the primacy of law, respect for the right of all the inhabitants of Kosovo to live there, the development of a viable market economy and normalized dialogue with Belgrade and neighbouring States.

My delegation welcomes the news that these elements have begun to take shape, in particular through the establishment of a multi-ethnic Government working to benefit all communities. This is very important for Kosovo. We should also emphasize the steps that have been taken to ensure the rule of law, which has the support of all communities, as well as to combat crime and terrorism by means of a mechanism for regional cooperation. We welcome all of this progress, as well as the prospects for the future, because every time a conflict is brought to an end somewhere in the world, international peace and security are strengthened.

We should remember, however, that our optimism and our expectations have suffered a setback as a result of the adoption by the Kosovo Assembly of a resolution that goes against the mandate of resolution 1244 (1999) and violates the constitutional framework. That initiative runs the risk of undermining all the important progress achieved to date as a result of the sustained efforts of the international community and the United Nations. We, the members of the Security Council, must fully assume our responsibilities. It is thus up to us to ensure the full implementation of resolution 1244 (1999). My delegation believes that Mr. Steiner's proposals seem to offer the best way forward in this respect. His appeal for financial and technical assistance in order to build on past achievements takes on renewed importance today, given Mr. Guéhenno briefing.

The balance patiently negotiated and achieved at Dayton must be strengthened, not eroded or destroyed. In that regard, I would like to thank Mr. Steiner for his personal commitment and forthrightness and for his tireless efforts to restore peace and security in the region. I would also like to encourage him to persevere on that path and to assure him of my country's full

support, just as he has the support of the Security Council as a whole.

Finally, we wish to commend the efforts made with regard to the upcoming municipal elections, which have in particular taken minority communities into account. This illustrates the confidence and hope that the people of Kosovo have in UNMIK. It also demonstrates that UNMIK is doing very good work. I also wish to mention the inter-ethnic dialogue begun among families of the disappeared through the efforts of Mr. Steiner, as well as the issues of refugee return and reintegration, which also deserve special attention.

As in the past, authorities in Kosovo have been able to demonstrate their ability to adapt in the face of the requirements of their responsibilities to their peoples, to the Balkan region and to the international community, all the while being guided by the imperatives of international peace and security. I therefore hope that they will positively respond to the appeal of Cameroon.

Mr. Gokool (Mauritius): First of all, my delegation joins others in thanking Mr. Guéhenno for his informative briefing today on the situation in Kosovo.

As the United Nations Interim Administration Mission in Kosovo (UNMIK) celebrates its third anniversary this month, we would like to pay tribute to all those who have worked, and all those who are still working hard, to establish peace and stability in Kosovo. The international community, and UNMIK in particular, can look back with satisfaction on the great achievements made since the Mission's arrival in Kosovo. No doubt, still more needs to be done. The reins are now in the hands of local leaders, to build a society based on democracy, multi-ethnicity and the rule of law.

The international community cannot disengage itself at this stage from Kosovo, at least not until it is reassured that the newly established Government is able to manage its affairs in the best interests of all. With the appointment of the Inter-Ministerial Coordinator on Returns, the Kosovo Government is now fully constituted and reflects the multi-ethnic character of the population. Without doubt, the members of the Government, having taken the oath of office, will have to work together in shaping the future of Kosovo without discrimination on any grounds. We take note of the positive developments and encourage the leaders to work truthfully by the letter and spirit of the Constitutional Framework Agreement, and in line with resolution 1244 (1999).

We are happy to note that the ingredients necessary to make the machinery function in Kosovo are in place. In fact, the minorities have appointed their representative; the members of the Government have taken their oath to show allegiance to their respective posts; and laws are being passed to facilitate the integration of ethnic minorities into the mainstream of society. Moreover, the robust campaigning by UNMIK and KFOR to combat crime and other illegal activities has been successful in steadily reducing the crime rates. The economy is picking up, and increasing numbers of schools and hospitals are operating.

All these developments are most welcome. We hope that this trend will continue and that Kosovo will soon be able to be a stable and peaceful place where all communities participate in the institutions that have been set up under resolution 1244 (1999). We encourage minority communities, especially in the Mitrovica region, to abandon parallel structures and to abide by the law enforced by UNMIK and KFOR.

Regional integration is an important factor in the development of Kosovo. The provisional self-government should strengthen its relations with neighbouring countries, in particular with Belgrade. We believe that enhanced cooperation with the Belgrade authorities is an important component in helping to solve the many difficult remaining issues, especially in the upcoming municipal elections. We appreciate the efforts of the authorities in Belgrade to help the Serb communities to participate in larger numbers, thus making the exercise more participatory and representative.

As regards the return of internally displaced persons and refugees, the steps taken by the Government of Kosovo and UNMIK to encourage mass returns are noteworthy. Now that the Serb community has its representatives in the Government, their concerns will be properly addressed and the return of members of that community to their homes will be facilitated. However, we believe that in order to be sustainable it is more than necessary for that process to have continued assistance from the donor community.

Finally, we extend a special thanks to Mr. Steiner, the Special Representative of the Secretary-General, for his commendable efforts in advancing the peace

process in Kosovo. We agree with his observation that Kosovo's institutions should be ready for Kosovo to advance towards a fair and just society.

Mr. Zhang Yishan (China) (*spoke in Chinese*): First of all, like previous speakers, I too would like to thank, Under-Secretary-General Guéhenno for his briefing.

The United Nations Interim Administration in Kosovo (UNMIK) has been in existence for three years, and it is necessary for us to review and sum up the situation in order to further improve and refine our work in the future. As we do that, therefore, and while recognizing the achievements made, I believe our emphasis should be on lessons learned, so that our work in the future may be more effective.

During the last three years, the international community has indeed attained some achievements in Kosovo. We appreciate the fact that, under different Mission Heads, UNMIK has done a great deal of work. For instance, we have seen a marked decrease in the crime rate; a society based on the rule of law is now taking shape; the Serb minority is now beginning to participate in the provisional Government; and the legislature and provisional Government are functioning normally. In addition, UNMIK and the Federal Republic of Yugoslavia have signed a joint document to resolve a series of problems. There has also been an exchange of prisoners of war between Kosovo Serbs and Albanians. UNMIK has also established benchmarks, including ones relating to the expected large-scale return of refugees in the years 2003 and 2004.

But I must at the same time point out that we are still faced with many difficulties and that the situation in Kosovo is still a cause of concern to us. I now wish to stress three points.

First, I would like to mention the rights and interests of ethnic minorities, and in particular as regards their safety. The question of how the security situation can be improved to facilitate the rapid return of ethnic minorities is still a matter that requires the attention of the Security Council.

The Deputy Prime Minister of Serbia, Federal Republic of Yugoslavia, Mr. Čović, in meetings of the Security Council has repeatedly presented statistics and other data to describe the living conditions of the ethnic minorities in Kosovo, eliciting a strong reaction from many present, including the Chinese delegation. We hope that the United Nations Interim Administration Mission in Kosovo (UNMIK), in fulfilling its mandates in various fields in accordance with the benchmarks that have been defined, can fully consider the legitimate concerns of the ethnic minorities and work towards resolution of their problems. The reason for this is simple. Without a guarantee of the rights of the ethnic minorities there can be no multi-cultural, multi-ethnic society in Kosovo, nor can UNMIK really meet the benchmarks.

Secondly, with respect to comprehensive implementation of resolution 1244 (1999), we take note of the fact that promulgation of the Constitutional Framework of the Kosovo provisional institutions of self-government has created some doubt as to whether resolution 1244 (1999) has been effectively implemented, that is, whether settlement of the status of Kosovo is being resolved within the framework of the Federal Republic of Yugoslavia. Although a legislative election took place as scheduled, political stalemate soon followed within the ruling coalition. When Mr. Steiner assumed his position as the newly appointed Special Representative of the Secretary-General, he set ending this political stalemate as his priority. But when the provisional Government was announced, with Mr. Rugova as head, Mr. Rugova immediately made a statement favouring Kosovo independence, which had a negative impact on the situation in the region. Subsequent decisions made by both the provisional Government and its legislature regarding the territory of Kosovo have not only been detrimental to the authority of the Special Representative of the Secretary-General; they are also in contravention of Security Council resolutions and international practice. It is necessary to point out here that attempts to put Kosovo on the road to independence are not conducive to the stability and peace of the region.

Thirdly, a comprehensive strategy is needed to resolve the Kosovo question. The municipal elections to be held in October are now the focus of our attention. But without an appropriate resolution of issues such as the return of refugees, missing persons, the security and safety of ethnic minorities and economic reconstruction, achievements in the political process will inevitably be undermined. It is necessary for the international community to pay equal attention to the resolution of the problems I have outlined.

In sum, we hope the work of the United Nations in Kosovo can be completed in good time so we can consolidate the achievements already made and live up to the expectations of those who truly care about the destiny of the various ethnic groups in Kosovo.

Mr. Levitte (France) (*spoke in French*): I thank Jean-Marie Guéhenno for his very complete — as usual — briefing on the latest developments in Kosovo. France endorses the statement which the representative of Spain will make during our discussion on behalf of the European Union. I shall limit my statement to recalling issues which are important to us in our national capacity.

Mr. Steiner and his team deserve our encouragement and support. Three years after the adoption of resolution 1244 (1999) and the arrival of the United Nations in Kosovo we have come a long way. The international community remains determined to foster complete implementation of the resolution and ensure its respect. Since the Special Representative of the Secretary-General took up his duties in February additional steps have been taken. Mr. Steiner has succeeded in making the provisional institutions of self-government a reality. He fostered their establishment and convinced representatives of all the components of Kosovar society to take part in them. He has encouraged implementation of the Constitutional Framework while seeing to it that initiatives which do not respect its provisions are identified. Thanks to the action of the United Nations Interim Administration Mission in Kosovo (UNMIK), noteworthy results have been achieved.

We should also welcome the dialogue between the Special Representative of the Secretary-General and the Yugoslav authorities. It is important that trusting cooperation be established between UNMIK and the provisional institutions on one hand and the Belgrade authorities on the other with respect for the competences of each. Implementation of the Common Document of 5 November 2001 remains the cornerstone of this relationship and of the implementation of resolution 1244 (1999). Moreover, Mr. Steiner has emphasized the importance of the return of refugees and displaced persons. No effort should be spared in making these returns a reality. Their success will be decisive in gauging the ability of Kosovar society to find roots in democracy, to eliminate violence and make a positive contribution to regional stability. All Kosovars should mobilize to ensure the success of the projects managed by UNMIK. This mobilization should extend to restoring the rule of law, affirming justice and combating impunity. We support UNMIK's actions in that regard.

Self-governing authorities should get involved in daily life in Kosovo by complying fully with resolution 1244 (1999) and the Constitutional Framework — and with nothing else. The conditions for beginning specific work are now present. More than 100 days after its inauguration, the Government is complete, now that the Minister of Agriculture and the Inter-Ministerial Coordinator for Returns have taken their oath before Mr. Steiner. We should welcome this. What we have to do now is work for the well-being of the entire population without any distinction as to origin. The benchmarks referred to by the Secretary-General in his latest report will enable us more precisely to evaluate progress achieved by Kosovo in the areas of democracy, the rule of law, regional stability and respect for international law. Kosovo officials should continue their efforts along those lines. There is no alternative. This is the condition in order for Kosovo to move closer to European standards. Any action contrary to resolution 1244 (1999) and the Constitutional Framework will run directly counter to that objective.

In this regard, initiatives such as the resolution on the protection of the territorial integrity of Kosovo, which exceed the competence of the self-government institutions, are null and void. The Security Council and the Special Representative of the Secretary-General emphasized this recently. Such initiatives prevent Kosovo from making progress towards stability and a better future. The provisional institutions of self-government must show their sense of responsibility in this regard. We will firmly support the Special Representative of the Secretary-General in his efforts to ensure that the rule of law is respected. In this context, we support the 13 June guidelines for agreements of institutions of self-government in the area of international cooperation.

Respect for international law is incumbent upon the institutions of self-government, as well as upon States. That principle should have prevailed with regard to the memorandum of understanding signed on 30 May between the Minister for Economic Affairs of the Republic of Albania and the Minister for Trade and Industry of the Kosovar Government. The Special Representative quite rightly declared that memorandum

of understanding null and void. The logic behind the stabilization and association process launched by the European Union for States in the region calls for States to avoid all interference in the rule of law and the efforts of the international community in Kosovo. That is the spirit of the Zagreb summit, which we must maintain.

Finally, the Security Council's position regarding the Agreement on the border between Yugoslavia and Macedonia is clear. Practical arrangements regarding its implementation, concluded through dialogue and cooperation between all the parties concerned, should help invigorate the spirit of the Zagreb summit.

Mr. Kolby (Norway): First, I would like to thank Mr. Guéhenno for his briefing, and the staff of the United Nations Interim Administration Mission in Kosovo (UNMIK) for their dedicated work to implement resolution 1244 (1999). Norway supports Special Representative Steiner's continued efforts to consolidate the rule of law in Kosovo. The latest arrest of six former members of the Kosovo Liberation Army (KLA) demonstrates that no one is above the law. We call on Kosovo leaders to cooperate with UNMIK in promoting the rule of law and human rights in Kosovo, based on a zero-tolerance policy.

Norway welcomes recent statements and gestures promoting dialogue, inter-ethnic reconciliation and return of displaced persons, including by Prime Minister Rexhepi. We encourage other Kosovo Albanian leaders to follow his example and to transform words and ideas into concrete action so that inter-ethnic reconciliation in Kosovo can be realized in practice.

We reiterate our support for the benchmark approach of the Special Representative of the Secretary-General. One key benchmark is the existence of effective, representative and functioning provisional institutions of self-government. This is one of the main challenges in the coming months. Serb participation is a positive step. The institutions must have a multi-ethnic and politically neutral civil service. Only then can they function impartially and for the benefit of all in Kosovo.

Norway welcomes Mr. Steiner's concept paper on principles for sustainable return of internally displaced persons and refugees, which is another key benchmark. Resolution 1244 (1999) confirms the right of all internally displaced persons and refugees to return to their homes in Kosovo. It is the responsibility of the provisional institutions of self-government and UNMIK to ensure that right.

Our credibility is at stake here. We need to see results in the near future if this benchmark is to be reached at all. Furthermore, it is urgent that conditions be created that will convince minorities to remain in Kosovo. Unless the trend of minorities leaving Kosovo is reversed, it will be impossible to achieve the sustainable return of any significant number.

Needless to say, the security environment must be improved. But the issue of property rights too should be addressed with increased urgency. Confusion and unclearness regarding property ownership are core obstacles to return. They also hamper economic investment. Norway supports the efforts of the Housing and Property Directorate in that regard. We welcome the increased emphasis placed on the return of internally displaced persons by Special Representative Steiner, but we would like to encourage more attention and resources for the Directorate's work in order to increase efficiency and the processing of cases. That would improve living conditions for thousands of internally displaced persons currently facing difficult conditions, unable to return to their homes.

We reiterate our support for the Special Representative's annulment of the Kosovo Assembly's attempts to deal with issues beyond its authority. Norway urges the Kosovo Assembly to dedicate itself to fulfilling the Special Representative's benchmarks and to focus its attention on addressing tasks within its mandate, on which progress is urgently needed.

Cooperation between Pristina, representented by UNMIK and the provisional institutions of self-government, and Belgrade, is vital for the implementation of resolution 1244 (1999). Deputy Prime Minister Čović has played a constructive role in this respect. We encourage Čović and Special Representative Steiner to work together to support moderate elected Serb representatives in their endeavours to work constructively within the structures of provisional institutions of self-government.

Mr. Eldon (United Kingdom): My thanks to Jean-Marie Guehenno for another typically very helpful, comprehensive and useful briefing. I will be as brief as I possibly can this morning because, as others have noted, the representative of Spain will be speaking later on behalf of the European Union.

There are a few points I would like to draw out as national priorities. The first is that we continue to support Special Representative Steiner's priorities for the United Nations Interim Administration Mission in Kosovo (UNMIK): strengthening law and order, making progress on the economy and creating a safe society for all communities. These issues are all important for Kosovo's development as a forward-looking, tolerant and prosperous society.

We have spoken in earlier briefings and debates about the importance of the participation of the minority communities in Kosovo. So the appointment of a minister from a Serbian community to serve in the provisional self-government is a welcome step forward. The interests of Kosovo's minority communities can now be fully represented in the provisional self-government.

We also welcome the continued teamwork between Belgrade and UNMIK, including the recent agreements that have been reached on police cooperation and railways. The inclusion of representatives from the provisional self-government in Pristina in this process is essential. That is a point that we have made on several occasions, and I hope that it will happen.

But that leads me to a point that Under-Secretary-General Guéhenno and others mentioned earlier this morning, which is the question of Kosovo's international relations.

It is important that Kosovo develop good relations with others in the region, not least to promote trade and prosperity. However, the Kosovo Assembly and self-government institutions must act at all times within the terms of Security Council resolution 1244 (1999) and the Constitutional Framework.

We were therefore concerned about the recent Albania-Kosovo agreement on trade cooperation. UNMIK has a clear responsibility for Kosovo's external relations, and we fully support Special Representative Steiner in his efforts to ensure that any external agreements with Kosovo are coordinated with UNMIK and signed by Mr. Steiner.

The Assembly and the institutions of self-government must realize that any agreement signed without UNMIK's involvement will not be recognized by the international community. The agreement with Albania should now be renegotiated with UNMIK's involvement.

On refugee returns, the United Kingdom is keen and willing to fund projects to help this process. We await concrete proposals from UNMIK to take this forward. We will encourage as many Governments as possible to join in this effort.

Finally, another perennial United Kingdom point: organized crime and extremism. The current level of organized crime and extremism in Kosovo remains extremely worrying. This is a key factor in holding back economic and political development and also in holding back refugee returns on a substantial scale. We continue to support robust action by UNMIK and by KFOR against those engaged in such activities, and we welcome the recent arrests by UNMIK of four suspects for crimes committed against Kosovars in June 1999.

I will stop now, but I would endorse much of what Ambassador Mahbubani had to say about the Special Representative's approach and about the very useful material which we found waiting for us on our desks this morning. We continue to believe that these discussions in the Council on Kosovo are very useful.

Mr. Corr (Ireland): My delegation joins others in also thanking Under-Secretary-General Guéhenno for his comprehensive briefing this morning on recent developments in Kosovo.

Ireland, of course, fully supports the statement that will be delivered shortly by the representative of Spain on behalf of the European Union, so I will make only a few points of particular emphasis to my delegation at this stage of our discussion.

Ireland welcomes the increased progress on ensuring participation by all communities in the provisional institutions of self-government. The acceptance by the coalition Povratak of their positions in the Provisional Government is especially welcome. It is essential that Kosovo have a truly multi-ethnic Government with genuine cooperation between the different communities represented.

Ireland warmly commends the work being done by Special Representative Steiner, including the priorities he has outlined and, of course, on the benchmarking process. We also warmly commend, as Ambassador Eldon just said, the policy of openness and transparency the Special Representative has brought to his work since his appointment.

The Security Council made clear last month that the resolution adopted by the Kosovo Assembly regarding the border agreement between the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia was, as stated by the Special Representative, null and void. The adoption of such resolutions, which also called the Common Document into question, does not enhance the credibility of the Kosovo Assembly. It also creates real obstacles to the development of regional dialogue.

Therefore, it is essential now that the Kosovo Assembly focus on the critical tasks within its competence. Clear progress is urgently needed in these areas, including education and health, the creation of jobs and the strengthening of the rule of law. As Mr. Steiner has said, the Assembly must not allow itself to be sidetracked from its very substantial responsibilities.

Kosovo's elected leaders must now work to develop a genuine political dialogue — within as well as between Kosovo's various communities — if the Provisional Government is to be fully effective. Such a dialogue will be central to the preparations for municipal elections in October.

Under-Secretary-General Guéhenno's update this morning on the preparations for the municipal elections was encouraging. The level of participation in the preparatory process is heartening and a substantial improvement on the situation in the municipal elections held two years ago.

My delegation welcomes the most recent meeting of the Federal Republic of Yugoslavia-UNMIK High-ranking Working Group, held in Belgrade at the end of May. This fourth meeting since the signature of the Common Document last November is an important signal of increased cooperation.

Mr. Steiner has articulated a comprehensive vision for Kosovo's future development, based on economic progress, the rule of law, and a fair and just society for all the peoples of Kosovo. An emphasis on economic reform and reconstruction, including privatization, will be essential to ensuring real and lasting stability in Kosovo.

As we have said before, progress on the creation of a society based on the rule of law is fundamental if Kosovo is to ensure its future development, and particularly if it wishes to open up genuine European perspectives. Democracy will not take root in an environment in which crime, violence or terrorism flourish. Ethnically motivated violence is a particular scourge, and such incidents can only harm Kosovo's European progress. We commend the Special Representative's strengthening of the UNMIK police and his introduction of special regulations to tackle organized crime, as well as the policy of zero tolerance which informs his approach.

Ireland welcomes the general calm that has prevailed in Mitrovica since the attacks on UNMIK police in early April. While there have clearly been ongoing tensions given the continued detention of those arrested at that time, the lack of further protests of this nature is encouraging. But there remains a need for further engagement on the part of local community leaders who have condemned these and similar attacks, to send the clear message that there is nothing whatsoever to be gained from extremism. It is imperative that in the northern part of Kosovo the authority of UNMIK is respected.

Ireland strongly supports the emphasis given by UNMIK to minority returns, which, like the prisoners issue, remains deeply emotive. As Mr. Steiner has said — and Under-Secretary-General Guéhenno made the point as well this morning — there is hope for a real breakthrough on returns over the next number of years, and we must encourage all efforts, locally and regionally, to ensure that this opportunity is seized.

My delegation is also grateful for Mr. Guéhenno's update on the issue of the location of the missing. The sensitivity of this issue and its central importance in the wider promotion of justice cannot be underestimated.

Kosovo's vocation lies in Europe. Peace and stability in south-eastern Europe are clearly dependent on Kosovo's successful development. Kosovo's leaders must work to build a truly multi-ethnic, democratic society to ensure Kosovo's progress along the road towards European integration.

Ireland, together with our partners in the European Union, will continue to support greater integration and regional cooperation through the Stability Pact and the stabilization and association process.

The President (*spoke in Arabic*): I shall now make a statement in my capacity as representative of the Syrian Arab Republic.

My delegation, like all other members of the Security Council, wishes to thank Under-Secretary-General Jean-Marie Guéhenno for his and detailed briefing on the latest developments, in all of their aspects, in Kosovo.

My delegation welcomes the recent positive developments in Kosovo, particularly the establishment of an administration that includes members of the Kosovo Serb Return Coalition. We believe this is significant progress and a good development after the latest briefing by Mr. Steiner on 24 April.

We should like to pay tribute to the United Nations Interim Administration Mission in Kosovo (UNMIK). We believe that it is continuing to act in cooperation with the provisional Government in order to transfer authority according to the guidelines prepared by Mr. Steiner. We believe that UNMIK is working to ensure that any measures taken by the provisional Government are in line with the guidelines, benchmarks and provisions of resolution 1244 (1999) and the Constitutional Framework. We appreciate the ongoing efforts by the Federal Republic of Yugoslavia in cooperating with UNMIK.

My delegation also pays tribute to the KFOR for its work to combat transboundary trafficking and to prevent the illegal activities of traffickers. We encourage KFOR to continue cooperating with local police forces according to the mechanisms set up by Mr. Steiner to combat regional crime and promote the rule of law. We believe that combating regional crime requires cooperation with neighbouring States to ensure a comprehensive approach.

We express our appreciation for improvement in both the economic and financial areas. My delegation encourages the continuing efforts to repatriate displaced persons. We believe that would reinforce stability in Kosovo, particularly following the return of significant numbers of displaced persons to their homes and their increasing participation in rebuilding their country.

We look forward with confidence to the municipal elections that will take place in October. We hope that all communities and ethnic minorities in Kosovo will be represented in these elections and that participation by all parties will be assured.

We thank Mr. Steiner and all those working in UNMIK for the efforts they have continued to make to ensure quiet and stability in Kosovo and the Balkans in general.

I now resume my function as Council President. I now give the floor to the representative of the Federal Republic of Yugoslavia.

Mr. Šahović (Federal Republic of Yugoslavia): Before I proceed with my statement, I would like to thank you, Sir, for convening this meeting and to congratulate you on the exceptional manner in which you conducted the business of the Council during the month of June. I also thank Under-Secretary-General Guéhenno for his as usual very informative and comprehensive briefing.

Three years of the international presence in Kosovo and Metohija were marked recently. The Special Representative, Mr. Steiner, spoke on that occasion in very positive terms of the results achieved in their mission thus far.

No doubt, there has been some progress in some areas. Kosovo and Metohija is certainly not the same place it was in June 1999. However, we must be fair and realistic in our assessment in order to be able to move forward. So much has yet to be done and achieved in order to restore normalcy to the province. Therefore, we find it necessary to recall a few facts concerning the three-year presence of the United Nations Interim Administration Mission in Kosovo (UNMIK).

Recent pronouncements of a dramatic drop in crime and improved security for minorities do not give an accurate picture of the dangers that the ever-dwindling minority population faces every day. Two thirds of the total number of murders and abductions of Serbs and other non-Albanians in the last four years have been committed since the arrival of international forces. Few, if any, perpetrators have been brought to justice. Only recently, Aleksandar Dodic, 18, was murdered at mid-day in the Vitina marketplace.

Freedom of movement outside enclaves is still non-existent. Some time ago, it was mentioned here at the Council that when Serbs and other non-Albanians travel in Kosovo and Metohija, they take buses that have no timetables. For security reasons, dates and times of arrivals and departures are unknown. This situation continues.

Unforgivably little has been done to clarify the fate of 1,300 abducted and missing non-Albanians. The

property of minorities has been usurped, their cultural heritage destroyed. In the town of Orahovac, 60 per cent of Serbian graves have been desecrated. The Serbs, the largest minority in the province, have received no reassurances whatever that even their language will survive. The Serbian language programme of TV Kosovo lasts seven minutes a day.

Bearing all this in mind, it is not surprising that only about a mere few hundred Serbian internally displaced persons out of a total 226,000 have ventured to return to Kosovo and Metohija to date. If this tempo remains unchanged, Kosovo and Metohija will forever remain a mono-ethnic society. Consequently, we find it difficult to comprehend what constitutes the improved chances for returns that UNMIK officials have recently been speaking about.

My Government welcomes the constitution of the Kosovo Government as one of the positive achievements. The representatives of the Serbian Coalition Povratak have taken their rightful place, thereby affirming their willingness to participate in building the future of Kosovo and Metohija. In particular, we welcome the Prime Minister's pledge to work on behalf of all residents of the province. Yugoslavia expects that this pledge will result in the first step towards ending the current situation, in which Povratak deputies come to the Assembly in armoured vehicles accompanied by a heavy international security detail.

We also feel obliged to recall that the Kosovo Assembly, acting contrary to Security Council resolution 1244 (1999), the Constitutional Framework and the repeatedly stated positions of this Council, recently adopted a resolution rejecting the agreement on the delineation of the border between the Federal Republic of Yugoslavia and the Republic of Macedonia, as well as the Federal Republic of Yugoslavia-UNMIK Common Document. My Government expressed its appreciation of Mr. Steiner's prompt declaration of the resolution as legally invalid. However, our concerns about the political implications of this act remain, even more so in the light of the attempt by the provisional institutions to sign a trade agreement with Albania, which we strongly condemn.

We agree that Kosovo and Metohija will not be able to move forward until and unless an economic recovery begins. In that context, the Government of Serbia has informed UNMIK of its full support for privatization in the province, believing it to be a basic precondition for future stable economic development. After all, we in Yugoslavia have also embarked on the path of privatization.

However, my Government considers that the model proposed by UNMIK fails to respect the fundamental principle of the protection of creditors. In view of the many interconnections in terms of present ownership and the need to build a common economic space in our region, we believe that it is of utmost importance that Serbia be actively involved in the privatization process in Kosovo and Metohija.

On a related matter, the Republic of Serbia is being held responsible for, and is servicing, $1.4 billion of debt incurred by entities in Kosovo and Metohija. At the same time, many Serbian banks have substantial receivables due them from entities in the province. UNMIK, however, proposes to carry out privatization while unloading the enormous debt burden on a fragile Serbian economy.

The situation in Kosovska Mitrovica has often been cited as a cause for international concern. While we fully agree that a solution for this sensitive issue needs to be agreed on, I would like to bring to the Council's attention a fact that is less frequently mentioned. Northern Kosovska Mitrovica remains the only multi-ethnic urban area among otherwise mono-ethnic Kosovo and Metohija cities. Its population comprises thousands of Serbs, Albanians, Bosniacs, Turks and Roma.

Ill-conceived action aimed at finding a hasty solution could result in a new, and possibly final, exodus of Serbs. It is our firm position that equal standards and rules regarding returns to cities need to be applied throughout Kosovo and Metohija. The consideration of various proposals regarding the possible organization of local government would be very useful in dealing with the problem, taking into account the rights of minorities.

The international community has a huge responsibility in Kosovo and Metohija in the period ahead. UNMIK and the Kosovo provisional institutions should concentrate their efforts on strengthening the rule of law, full respect for the human rights of all residents, especially minorities, building of a democratic, multi-ethnic society and institutions, combating organized crime and corruption, and improving of the economic situation. The benchmark

concept presented by the Special Representative of the Secretary-General in his April statement to the Council presupposes certain standards in these and other areas that ought to be met in the future. The most important benchmark, however, will be a change of attitude of the majority that will make the return of displaced Serbs and other non-Albanians a reality. This should be the responsibility of local Albanian politicians, to be taken up in deed rather than in word.

For our part, we affirm once again our readiness for dialogue and cooperation in the implementation of resolution 1244 (1999), as stated in the Federal Republic of Yugoslavia-UNMIK Common Document. Within this framework, UNMIK and the Kosovo Government can rely on our full support in the efforts to bring Kosovo and Metohija into Europe eventually, which is our common goal.

The President (*spoke in Arabic*): I thank the representative of the Federal Republic of Yugoslavia for his kind words.

I now give the floor to the representative of Spain. I invite her to take a seat at the Council table and to make her statement.

Ms. Menéndez (Spain) (*spoke in Spanish*): I have the honour to speak on behalf of the European Union. Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, Cyprus, Malta, Turkey, Iceland and Liechtenstein align themselves with this statement.

Let me first of all thank Under-Secretary-General Guéhenno for his briefing today. The European Union supports the determination with which the Special Representative of the Secretary-General, Mr. Steiner, is implementing his benchmark policy to measure progress in the establishment of a multi-ethnic, politically stable and economically sustainable Kosovo.

Achieving a culture based on the rule of law, tackling crime and violence and ensuring economic progress are the priorities on which all efforts need to be concentrated before considering issues pertaining to the status of Kosovo. We are encouraged to see that the priorities set out in the draft programme submitted by the provisional Government to the Kosovo Assembly point in the same direction as the benchmarks.

We welcome the fact that the representatives of the Povratak coalition have taken up the positions assigned to them in the provisional Government and in the Office of the Special Representative of the Secretary-General. The full participation of the Serb community, and indeed of all minorities in Kosovo, remains paramount for the good functioning of the provisional institutions, as well as for ensuring that their interests are fully taken into account and defended. It will also prove crucial to foster the return process and to promote reconciliation and inter-communal confidence-building.

We support the emphasis of the United Nations Interim Administration Mission in Kosovo (UNMIK) on minority return and expect that the new Inter-Ministerial Coordinator on Returns and the Senior Adviser in the Office of Returns and Communities will play an important role in helping to shape policies aimed at facilitating sustainable returns and integrating non-majority communities into mainstream Kosovo society.

More than one million people are still displaced around the region as a legacy of the conflict. The past few years have shown that, when conditions are established on the ground, especially for minority returns, progress can be achieved quickly. All regional actors must spare no effort in putting into place the appropriate security and legislative conditions for return and in allocating the resources to ensure its sustainability.

The European Union remains concerned over the situation in the northern part of Kosovo and calls on the authorities of the Federal Republic of Yugoslavia to encourage and contribute to unconditional respect for UNMIK's authority throughout Kosovo. Support for parallel structures in Mitrovica must end, and the city must be reunited under the full authority of UNMIK and the elected representatives of the population. The benchmark policy that is now being applied in Kosovo should also be fully applied to Mitrovica. Progress needs to be made now, with the full commitment of all parties involved, so that the October municipal elections can bring about the necessary administrative normalization.

We support all efforts by UNMIK in this respect, including the joint patrolling with the Kosovo Force (KFOR) recently initiated in the northern part of Mitrovica, as well as the establishment of working groups to provide confidence-building measures.

The European Union has already expressed its full support for the decision of the Special

Representative of the Secretary-General, Mr. Steiner, to declare null and void the 23 May Kosovo Assembly resolution on "the territorial integrity of Kosovo" and has urged the Kosovo provisional institutions to discharge their duties within the remit defined by resolution 1244 (1999) and the Constitutional Framework, and to concentrate their efforts on strengthening the rule of law, on improving the economic situation, including the creation of jobs, and on contributing to a secure environment, thus encouraging the return of refugees and internally displaced persons.

We reaffirm our full support for the border agreement of 23 February 2001 between the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia, and encourage UNMIK and the Government of the former Yugoslav Republic of Macedonia to rapidly agree to and implement practical solutions to the problems faced by the affected population. We are concerned about the increasing rate of incidents along the border between Kosovo and the former Yugoslav Republic of Macedonia.

Special Representative Steiner has rightly made tackling crime and violence and ensuring freedom of movement priority issues. Violence and crime prevent democracy from taking root and harm prospects for investment and economic growth. We support Mr. Steiner's policy of zero tolerance and commend him for the measures that he is taking and the regulations that he is introducing to enhance UNMIK's capabilities to effectively combat crime, terrorism, extremism and violence. We also welcome the agreement reached with the authorities of the Federal Republic of Yugoslavia and Serbia on police cooperation.

Finally, I would like to comment on the Stabilization and Association Process — a long-term policy approach in support of sustainable and EU-compatible reform aimed at helping the countries of the region to prepare for integration into the European Union. It has become a driving force for political, democratic and economic reform within each of the countries, as well as for strengthening the regional dimension and reinforcing regional cooperation, which go hand in hand with forging a closer relationship with the European Union.

We urge Belgrade and UNMIK, together with the provisional institutions a self-government of Kosovo, to work resolutely, within the framework of Security Council resolution 1244 (1999), the Constitutional Framework and the Common Document, towards the objectives of the Stabilization and Association Process.

The President (*spoke in Arabic*): I now give the floor to Mr. Guéhenno to respond to the comments made and questions raised by members of the Council.

Mr. Guéhenno: I will make just two brief observations at this late hour.

First, I would like to say that I do, indeed, agree with the comments by several members of the Council with regard to the approach taken by Mr. Steiner on benchmarks. If I may, I will not only share those comments with Mr. Steiner, but also inform other missions of that approach, because I believe — as many members of the Council have said — that providing greater transparency and, therefore, more accountability will help to ensure a better relationship between the Council and the Mission, as well as helping other missions, especially those that have a wide-ranging mandate, to be more focused and therefore more effective.

My second observation relates to what the Ambassador of Yugoslavia said. He reminded us that if much has been achieved, a lot remains to be done. In that respect, I would like to say that if we want to be successful in one of the goals of the Mission — such as the issue of returns and reintegration — we will have to continue to address a wide range of issues, from security to a growing and vibrant economy, as well as areas such as housing and property directorates, as mentioned by the Ambassador of Norway. We will have to tackle a very large number of issues, and that will require not only the political support of this Council, but also the financial support and attention of the international community. I am encouraged by the support that the mission finds in the Council.

The President (*spoke in Arabic*): I would like once again to thank Mr. Guéhenno for his briefing and for his responses.

There are no further speakers inscribed on my list.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.40 p.m.